

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL BOBOWSKI, ALYSON BURN,
STEVEN COCKAYNE, BRIAN CRAWFORD,
DAN DAZELL, ANGELO DENNINGS,
CHEYENNE FEGAN, SHARON FLOYD,
GREGORY GUERRIER, JOHANNA
KOSKINEN, ELENA MUNOZ-ALAZAZI,
ELAINE POWELL, ROBERT PRIOR, ALIA
TSANG, and KYLE WILLIAMS, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

CLEARWIRE CORPORATION,

Defendant.

Case No. C10-1859-JLR

REPLY DECLARATION OF CLIFF
CANTOR IN SUPPORT OF
PLAINTIFFS' MOTION FOR APPEAL
BOND IN CONNECTION WITH
OBJECTORS' SECOND APPEAL

NOTE ON MOTION CALENDAR:
Friday, June 28, 2013

I, Cliff Cantor, declare as follows:

1. I am the principal of Law Offices of Clifford A. Cantor, P.C. I am competent to
testify and base this declaration on my personal knowledge and the records of my law firm.

2. In *Dennings*, my firm is one of counsel for plaintiffs (except for Mr. Prior). This
Court, in its Order Granting Preliminary Approval dated August 24, 2012, appointed my firm as
one of class counsel. *See* Prelim. Approv. Order at 3:26 – 4:2 (dkt. 64).

3. I caused research to be done on PACER and www.bloomberglaw.com to identify other cases in which attorney Mr. Christopher Bandas has represented an objector to a class action settlement on appeal. Out of the large number of appeals found, I caused the list to be restricted to Ninth Circuit appeals only.

4. A list of the 27 appeals identified through this research is attached hereto as **Exhibit A**. These appeals are listed in reverse chronological order (newest to oldest) based on the date of filing of the appeal. This information is true and correct to the best of my knowledge.

5. Through research done on PACER, the list also shows the disposition of these 27 appeals. In only 5 of the 27 appeals, or less than 20% of them, did Mr. Bandas's objector-clients ever file an appellate brief.

6. Of the 10 appeals shown on the first page of the list—i.e., the most recently filed ones—the results are as follows, in reverse chronological order, identified by their number on the list:

- [8.] Appeal dismissed for failure to file an opening brief, Jun. 3, 2013
- [3.] Appeal voluntarily dismissed, May 23, 2013
- [10.] Appeal dismissed for failure to file an opening brief, Apr. 24, 2013
- [6.] Summarily affirmed, Apr. 22, 2013
- [4.] Appeal voluntarily dismissed, Apr. 1, 2013
- [9.] Appeal voluntarily dismissed, Feb. 4, 2013
- [7.] Appeal dismissed, Jan. 23, 2013.

For three other appeals on the first page—including in the present case—briefs are not due yet so there is no indication as to whether the objectors will file any. In short, of the 10 appeals shown on the first page of the list, no appellate briefs have been filed; and 7 of the 10 have already been dismissed voluntarily or involuntarily without filing an appellate brief.

7. True and correct copies of the orders disposing of the 7 appeals identified in the previous paragraph are attached hereto collectively as **Exhibit B**, in reverse chronological order.

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my
2 knowledge.

3
4 Executed on June 28, 2013.

5 s/ Cliff Cantor
6 Cliff Cantor, WSBA # 17893
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10 Certificate of Service

11 I certify that, on June 28, 2013, I caused the foregoing declaration (with its exhibits) to be
12 (i) filed with the clerk of the court via the CM/ECF system, which will send notification of filing
13 to all counsel of record; and (ii) deposited in the U.S. mail, postage prepaid, addressed to Robert
14 Prior, 2016 E. 6th St., Vancouver WA 98661.

15 s/ Cliff Cantor
16 Cliff Cantor, WSBA # 17893
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